

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Permit 20952 (Application 29408) and Waste Water Change Petition WW-6
City of Thousand Oaks

**ORDER APPROVING
PETITIONS FOR CHANGE IN PERMIT 20952
AND ISSUING AMENDED PERMIT 20952**

**APPROVING WASTE WATER
CHANGE PETITIONS WW-6a**

**MODIFYING POINT OF DIVERSION, PLACE OF USE
AND PURPOSE OF USE**

SOURCE: Conejo Creek
COUNTY: Ventura

WHEREAS:

1. On September 18, 1997, the State Water Resources Control Board (SWRCB) issued Decision No. 1638, which approved issuance of a permit to the City of Thousand Oaks (City) pursuant to Application 29408 and also approved Waste Water Change Petition WW-6 (WW-6) of the City. The SWRCB issued Permit 20952 to the City of Thousand Oaks on February 6, 1998, pursuant to Application 29408.
2. The City filed petitions to change Permit 20952 with the SWRCB on January 22, 2001 and October 11, 2002. The SWRCB issued public notices of the petitions on January 18, 2002 and July 18, 2003. No protests to approval of the petitions were filed with the SWRCB. The City's first change petition seeks to add 100 acres of land owned by the City located within Camrosa Water District to the authorized place of use under Permit 20952. Decision 1638 excluded this area from the authorized place of use because the City had planned to construct a regional recreational facility at the site, but had not finalized its plans or reviewed the potential environmental impacts of the project under the California Environmental Quality Act (CEQA). The City has since abandoned this plan and now seeks to serve the existing agricultural use of the 100 acres under Permit 20952. Approval of this petition would entail deletion of permit condition 16, which excludes the 100 acres from the authorized place of use. The City's second petition seeks changes in point of diversion, place of use, and purpose of use in order to create and maintain 6.7

acres of wetland habitat near the City's Hill Canyon Treatment Plant, called the Confluence Wetland.

3. The SWRCB has determined that good cause for such changes has been shown.
4. The SWRCB has determined that the petitions for change do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The permittee has complied with permit condition 20 regarding erosion control during construction of the diversion facilities at the Conejo Creek point of diversion. The permit condition should be deleted from the amended Permit 20952.
6. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A condition should be placed in the permit making the permittee aware of possible obligations resulting from these acts.
7. Construction or rehabilitation work may occur for the diversion covered by this permit within the bed, channel or bank of the affected water body. A condition should be placed in the permit making the permittee aware of his obligation to obtain a Department of Fish and Game streambed alteration agreement prior to commencing such work.
8. In addition to the two change petitions discussed above, on October 11, 2002, the City filed two petitions to change the place of use of treated wastewater discharged from the Hill Canyon Treatment Plant. The SWRCB issued public notice of the wastewater change petitions on July 18, 2003. No protests to approval of the petitions were filed with the SWRCB. Approval of the petitions would allow the City to use treated wastewater under Permit 20952 within the 100 acres in Camrosa Water District and the Confluence Wetland, described above.
9. The SWRCB has determined that good cause for such changes has been shown.
10. The SWRCB has determined that the wastewater change petitions do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
11. The City is lead agency under CEQA. The City prepared the following environmental documents:
(1) Environmental Impact Report for City of Thousand Oaks' Water Rights Application 29408; State Clearinghouse Number 90010766; Notice of Determination filed January 21, 1992.
(2) Subsequent Environmental Impact Report, Water Rights Application 29408 and Petition WW-6; State Clearinghouse Number 90010766; Notice of Determination filed May 7, 1996.
(3) Mitigated Negative Declaration for City of Thousand Oaks Hill Canyon Wastewater Treatment Plant Expansion, State Clearinghouse Number 98081038; Notice of Determination filed July 27, 1999. (4) Addendum to the Hill Canyon Wastewater Treatment Plant Expansion Mitigated Negative Declaration; State Clearinghouse Number 98081038; Notice of Determination dated September 10, 2002.
12. The SWRCB is a responsible agency under CEQA for the change petitions. The environmental impact reports prepared in connection with the City's original application and wastewater change petition address the potential environmental impacts of the use of treated wastewater within the Camrosa Water District, including the 100 acres that the City has petitioned to add to the

authorized place of use. In Decision 1638, the SWRCB imposed mitigation measures and made findings concerning the significant effects identified in the environmental impact reports, as required by CEQA. Those findings are incorporated herein by reference. The SWRCB also has considered the mitigated negative declaration and addendum prepared by the City, which address the potential impacts of the Confluence Wetland. The Division of Water Rights, under delegated authority from the SWRCB, prepared a Notice of Determination for the change petitions, issued the date of approval of this order.

NOW, THEREFORE, IT IS ORDERED THAT PERMIT 20952 IS AMENDED TO READ AS FOLLOWS:

1. The Source Condition shall be updated as follows:
 - (1) Conejo Creek tributary to Calleguas Creek thence Mugu Lagoon
 - (2) North Fork Arroyo Conejo tributary to Conejo Creek
2. The Location of the Point of Diversion Condition shall be updated as follows:
 - 1: North 259,300 feet and East 1,699,400 feet in SE¼ OF SE¼, Section 32, T2N, R20W, SBB&M by California Coordinates, Zone 5
 - 2: North 260,100' feet and East 1,720,600 feet within NE¼ of SE¼ of projected Section 36, T2N, R20W, SBB&M by California Coordinates, Zone 5
3. The Purpose of Use Condition shall be updated as follows:

Irrigation, Fish and Wildlife Preservation and Enhancement
4. The Place of Use Condition shall be updated as follows:
 - (a) Irrigation within Camrosa Water District located within T1N, R20W and T2N, R18W to R20W, SBB&
 - (b) Irrigation within Pleasant Valley County Water District located within T1N and T2N, R21W, SBB&M as shown on map filed with the SWRCB.
 - (c) Fish and Wildlife Preservation and Enhancement within the 6.7 acre Confluence Wetland located within SE¼ of projected Section 36, T2N, R20W, SBB&M, as shown on map filed with the SWRCB.
5. Permit 20952 is amended to include the following mandatory Endangered Species condition:

This permit does not authorize any act, which results in the taking of a threatened or endangered species, or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

6. Permit 20952 is amended to include the following mandatory streambed alteration agreement condition:

No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

7. Condition 16 excluding City-owned lands within projected Sections 24 and 25, T2N, R20W, SBB&M from the authorized place of use and condition 20 regarding development and implementation of an erosion control plan for the diversion facilities of original Permit 20952 are deleted.
8. All other conditions of Permit 20952 are still applicable.

**NOW, THEREFORE, IT IS ORDERED THAT THE CITY'S WASTE WATER CHANGE PETITIONS
FILED ON OCTOBER 11, 2002 ARE APPROVED:**

The City of Thousand Oaks or parties contracting with the City of Thousand Oaks may divert the treated wastewater discharged from the Hill Canyon Waste Water Treatment Plant for the uses authorized by Permit 20952 (or any license subsequently issued thereto), subject to the conditions stated in that permit (or subsequent license).

STATE WATER RESOURCES CONTROL BOARD

for Victoria A. Whitney
Harry M. Schueller
Chief Deputy Director

Dated: **NOV 21 2003**

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

AMENDED PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20952

Application **29408** of City of Thousand Oaks
 2100 Thousand Oaks Boulevard
 Thousand Oaks, CA 91362-2903

filed on **February 2, 1989**, has been approved by the State Water Resources Control Board (SWRCB) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:

1. Conejo Creek

Tributary to:

Calleguas Creek thence

Mugu Lagoon

2. North Fork Arroyo Conejo

Conejo Creek

within the County of **Ventura**

2. Location of point of diversion

| By California Coordinate System of 1927 in Zone 5 | 40-acre subdivision of public land survey or projection thereof | Section (Projected)* | Township | Range | Base and Meridian |
|---|---|----------------------|----------|-------|-------------------|
| 1: North 259,300 feet and East 1,699,400 feet | SE¼ of SE ¼ | 32 | 2N | 20W | SB |
| 2: North 260,100 feet and East 1,720,600 feet | NE¼ of SE ¼ | 36* | 2N | 20W | SB |
| | | | | | |

| 3. Purpose of use | 4. Place of use | Section (Projected) * | Township | Range | Base and Meridian | Acres |
|---|---|-----------------------------|-----------|------------|----------------------|---------------|
| Fish and Wildlife Preservation and Enhancement | Confluence Wetland in SE ¼ | 36* | 2N | 20W | SB | 6.7 |
| Irrigation | Camrosa Water District within T1N, R20W and T2N, R18W to R20W, SBB&M | | | | | 4,500 |
| | Pleasant Valley County Water District within T1N and T2N, R21W, SBB&M | | | | | 10,500 |

The place of use is shown on map filed with the SWRCB.

5. The water appropriated shall be limited to the quantity that can be beneficially used for irrigation and fish and wildlife preservation and enhancement within the Confluence Wetland, and shall not exceed 21.7 cfs, up to a maximum annual quantity of 15,683 acre-feet. Permittee may take water by direct diversion on a year-round basis. Permittee's maximum rate of diversion at any time shall not exceed the sum of the following:
 - a. The real-time rate of discharge from the Hill Canyon Waste Water Treatment Plant (adjusted to account for flow time between the point of discharge and the point of diversion), less 2.0 cfs to account for channel losses, less an additional 2.0 cfs to account for the dedication of treated waste water for maintenance and protection of fish and wildlife under Waste Water Change Petition WW-6; and
 - b. An additional 4.0 cfs, by direct diversion from January 1 through December 31 of each year at all times that the minimum bypass flow at the point of diversion is 6.0 cfs or more (including the 2.0 cfs dedicated to fish and wildlife).

(0000005)
6. Complete application of the water to the authorized use shall be made by December 31, 2010.

(0000009)
7. The quantity of water diverted under this permit shall be measured at the points of diversion from Conejo Creek and North Fork Arroyo Conejo.

(0060900)
8. This permit is specifically subject to the prior right under Water Right License 12598 (Application 25247).

(000T001)
9. The point of discharge of treated waste water is the Hill Canyon Waste Water Treatment Plant by California Coordinate System, Zone 5, North 260,840 feet and East 1,721,600 feet located within the SE¼ of the NE¼ of projected Section 36, T2N, R20W, SBB&M.

(0000999)

10. Permittee shall keep metered records of all water diverted under this permit and shall submit separate records documenting the quantity of: (1) treated wastewater and (2) other flows diverted under this right.
(0090900)
11. To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue.
(0000025)
12. Permittee shall provide water for delivery to the Camrosa Water District for subsequent use upon the parcels identified in water service agreements between Camrosa Water District and the Lambs, Goldbergs, and Fitzgeralds which are within the authorized place of use.
(0000024)
13. No water shall be diverted under this permit until Permittee has installed devices, satisfactory to the State Water Resources Control Board, capable of measuring the bypass flows required by conditions of this permit. Said measuring devices shall be properly maintained.
(0000062)
14. For the protection of fish, wildlife, southwestern pond turtles, and riparian habitat and vegetation, the Permittee shall bypass the following amounts of water at the point of diversion on Conejo Creek: (a) 2.0 cfs of treated waste water dedicated to fish and wildlife pursuant to Waste Water Change Petition WW-6, shall be bypassed at all times; (b) an additional 0.82 cfs shall be bypassed when the holder of License 12598 (Application 25247) is diverting water from Conejo Creek; and (c) a minimum flow of 6.0 cfs (including 2.0 cfs of treated waste water dedicated to fish and wildlife) shall be bypassed at all times that Permittee diverts any water which is not attributable to the portion of treated waste water discharged from the Hill Canyon Waste Water Treatment Plant which is available for diversion after accounting for 2.0 cfs for channel losses and the 2.0 cfs dedicated to fish and wildlife.
(0000060)
15. Permittee shall submit, with the Progress Report by Permittee, the following information:
(a) a listing of the dates of diversion; (b) quantity of water diverted; and, (c) daily streamgage or other records documenting compliance with the bypass flow requirements of this permit.
(0090900)
16. To mitigate for loss of habitat for southwestern pond turtle (*Clemmys marmorata pallida*), Permittee shall prepare and implement a specific, detailed compensation plan, satisfactory to the Chief of the Division of Water Rights, to achieve no net loss of pond turtle habitat in Arroyo Conejo, Conejo Creek, or Calleguas Creek. The compensation plan shall conform to the mitigation measure for Terrestrial Vegetation and Wildlife, identified on pages S-4 and S-5 of the Permittee's 1996 Final Subsequent Environmental Impact Report for the project. The plan shall be prepared in consultation with appropriate environmental consultants, the City of Camarillo, Camrosa Water District, Calleguas Municipal Water District, Ventura County Flood Control District, Department of Fish and Game (DFG), U.S. Fish and Wildlife Service (USFWS), and U.S. Army Corps of Engineers. The plan shall provide specific details covering the following elements, at a minimum:
 - a. A comprehensive, quantitative baseline assessment of existing southwestern pond turtle populations and corresponding available open water and emergent freshwater marsh habitat located both upstream and downstream of the point of diversion. The baseline assessment shall be made by a qualified wildlife biologist, acceptable to DFG, and shall be conducted utilizing assessment techniques recognized as appropriate by DFG and USFWS.

- b. Creation of new or larger open water (pools and riffles) and emergent freshwater marsh habitat areas upstream of the point of diversion suitable for the turtle. The new habitat developed by the Permittee shall equal or exceed the expected or actual loss of habitat (no net loss provision) downstream of the point of diversion, and shall be permanently maintained by the Permittee.
 - c. Relocation of turtles from habitat expected to be jeopardized by diversions under this permit to safer areas where suitable new habitat has been created.
 - d. Development and implementation of an effective bullfrog control program, satisfactory to DFG, to permanently reduce populations of bullfrogs which prey on turtle hatchlings and eggs.
 - e. Development of additional measures, as necessary, to ensure that the compensation plan will prevent net loss of turtles and their habitat. These measures may include increase in minimum flow bypass requirements under this permit, including bypass of additional treated waste water generated by the Hill Canyon Waste Water Treatment Plant (WWTP) if discharges from the Camarillo WWTP into Conejo Creek decrease in the future.
 - f. Development of an annual monitoring and reporting program to document whether the compensation plan is achieving no net loss of turtles and their habitat, and listing additional measures to be implemented during the forthcoming year to attain full compliance with the no net loss provision. The monitoring program shall include a schedule for reevaluation of conditions evaluated in the baseline assessment listed in (a) above. The Permittee shall submit the results of the annual monitoring and reporting program to the Division of Water Rights with the Progress Report by Permittee and to DFG.
(0400500)
17. Permittee shall consult with the Division of Water Rights, develop, and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the SWRCB for approval within one year from the date of this permit or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period. In evaluating the water conservation plan developed by permittee, the Board will consider the extent to which water use throughout permittee's place of use conforms to the 80 percent irrigation efficiency standard applicable to lands within the Fox Canyon Groundwater Management Area and the extent to which the City and District's receiving water under this permit are complying with widely accepted standards for efficient water management practices. All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.
(0490500)
18. The "flow control and monitoring station" proposed in Application 29408 is not considered a part of the project authorized by this permit.
(0000999)

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants.
(0000006)
- B. Progress reports shall be submitted promptly by permittee when requested by the SWRCB until a license is issued.
(0000010)

- C. Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

- D. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges, which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

- F. This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit. (0000014)

- G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Resources Control Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605. (0000015)
- H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game. (0000063)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

for 
Harry M. Schueller
Chief Deputy Director

Dated: NOV 21 2003

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20952

Application 29408 of City of Thousand Oaks

2100 Thousand Oaks Boulevard, Thousand Oaks, CA 91362-2903

filed on February 2, 1989, has been approved by the State Water Resources Control Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Conejo Creek

Calleguas Creek thence

Mugu Lagoon

| | | | | | |
|---|---|----------------------|----------|-------|----------------------|
| 2. Location of point of diversion: | 40-acre subdivision of public land survey or projection thereof | Section Projected | Township | Range | Base and Meridian |
| By California Coordinate System, Zone 5, North 259,300 and East 1,699,400 | SE¼ of SE¼ | 32 | 2N | 20W | SBB&M |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

County of Ventura

| 3. Purpose of use: | 4. Place of use: | Section | Township | Range | Base and Meridian | Acres |
|--------------------|---|---------|----------|-------|-------------------|-------|
| Irrigation | Camrosa Water District within Township 2 North, Ranges 18,19 and 20 West and Township 1 North, Range 20 West, SBB&M as shown on map dated April 1995. | | | | | |
| | Pleasant Valley County Water District within Township 1 and 2 North; Range 21 West, SBB&M as shown on map dated April 1995 | | | | | |

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used for irrigation and shall not exceed 21.7 cfs, up to a maximum annual quantity of 15,683 acre-feet. Permittee may take water by direct diversion on a year-round basis. Permittee's maximum rate of diversion at any time shall not exceed the sum of the following:
 - a. The real-time rate of discharge from the Hill Canyon Waste Water Treatment Plant (adjusted to account for flow time between the point of discharge and the point of diversion), less 2.0 cfs to account for channel losses, less an additional 2.0 cfs to account for the dedication of treated waste water for maintenance and protection of fish and wildlife under Waste Water Change Petition WW-6; and
 - b. An additional 4.0 cfs, by direct diversion from January 1 through December 31 of each year at all times that the minimum bypass flow at the point of diversion is 6.0 cfs or more (including the 2.0 cfs dedicated to fish and Wildlife). (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
7. Construction work shall be prosecuted with reasonable diligence and shall be completed by December 31 2002. (0000008)
8. Complete application of the water to the authorized use shall be made by December 31, 2010. (0000009)
9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)
10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

12. The quantity of water diverted under this permit shall be measured at the point of Diversion from Conejo Creek. (0060900)
13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1)adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2)the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)
14. This permit is specifically subject to the prior right under Water Right License 12598. (Application 25247.) (000T001)
15. The point of discharge of treated waste water is the Hill Canyon Waste Water Treatment Plant by California Coordinate System, Zone 5 North 260,840 and East 1,721,600, located within the SE¼ of the NE¼ of projected Section 36, T2N, R20W, SBB& (0000999)
16. The authorized places of use are the Camrosa Water District and the Pleasant Valley County Water District, excluding City-owned lands located within projected Sections 24 and 25, T2N, R20W, SBB&M. (0000004)

17. Permittee shall keep metered records of all water diverted under this permit and shall submit separate records documenting the quantity of: (1) treated waste water and (2) other flows diverted under this right. (0090900)
18. To the extent that water available for use under this permit is return flow, imported water, or waste water, this permit shall not be construed as giving any assurance that such supply will continue. (0000025)
19. Permittee shall provide water for delivery to the Camrosa Water District for subsequent use upon the parcels identified in water service agreements between Camrosa Water District and the Lambs, Goldbergs and Fitzgerald which are within the authorized place of use. (0000024)
20. For the protection of water quality, prior to construction of any diversion facilities, the Permittee shall prepare a specific, detailed erosion control and revegetation plan which conforms to the mitigation measures identified in part 3.3.3 (page 3-11) of the Permittee's 1996 Final Subsequent Environmental Impact Report for the project. The plan shall include, at a minimum, the following elements:
- a. Removal of no more vegetation than is necessary to complete construction operations.
 - b. Placement of rock, riprap, or other suitable erosion protection materials in areas where removed vegetation cannot reasonably be expected to become reestablished.
 - c. Construction of temporary fills of nonerodible material where needed, and a plan for removal of any temporary fills.
 - d. Diversion of runoff around all construction sites.
 - e. Construction of a suitable silt catchment basin across the stream immediately below any instream construction areas.
 - f. Other measures as required by the California Regional Water Quality Control Board to comply with the Basin Plan for the Calleguas Creek Watershed.

The erosion control and revegetation plan shall be submitted to the Chief of the Division of Water Rights for approval prior to construction of any diversion facilities. The State Water Resources Control Board reserves authority to require any reasonable, necessary amendments to the Plan necessary to ensure that it will accomplish the stated goal. Upon written approval of the plan, the plan shall be implemented.

(0400500)

21. No water shall be diverted under this permit until Permittee has installed devices, satisfactory to the State Water Resources Control Board, capable of measuring the bypass flows required by conditions of this permit. Said measuring devices shall be properly maintained. (0000062)
22. For the protection of fish, wildlife, southwestern pond turtles, and riparian habitat and vegetation, the Permittee shall bypass the following amounts of water at the point of diversion: (a) 2.0 cfs of treated waste water dedicated to fish and wildlife pursuant to Waste Water Change Petition WW-6, shall be bypassed at all times; (b) an additional 0.82 cfs shall be bypassed when the holder of License 12598 (Application 25247) is diverting water from Conejo Creek; and (c) a minimum flow of 6.0 cfs (including 2.0 cfs of treated waste water dedicated to fish and wildlife) shall be bypassed at all times that Permittee diverts any water which is not attributable to the portion of treated waste water discharged from the Hill Canyon Waste Water Treatment Plant which is available for diversion after accounting for 2.0 cfs for channel losses and the 2.0 cfs dedicated to fish and wildlife. (0000060)

23. Permittee shall submit, with the Progress Report by Permittee, the following information:
(a) a listing of the dates of diversion; (b) quantity of water diverted; and, (c) daily streamgauge or other records documenting compliance with the bypass flow requirements of this permit.
(0090900)

24. To mitigate for loss of habitat for southwestern pond turtle (*Clemmys marmorata pallida*), Permittee shall prepare and implement a specific, detailed compensation plan, satisfactory to the Chief of the Division of Water Rights, to achieve no net loss of pond turtle habitat in Arroyo Conejo, Conejo Creek, or Calleguas Creek. The compensation plan shall conform to the mitigation measure for Terrestrial Vegetation and Wildlife, identified on pages S-4 and S-5 of the Permittee's 1996 Final Subsequent Environmental Impact Report for the project. The plan shall be prepared in consultation with appropriate environmental consultants, the City of Camarillo, Camrosa Water District, Calleguas Municipal Water District, Ventura County Flood Control District, Department of Fish and Game (DFG), U.S. Fish and Wildlife Service (USFWS) and U.S. Army Corps of Engineers. The plan shall provide specific details covering the following elements, at a minimum:

- a. A comprehensive, quantitative baseline assessment of existing southwestern pond turtle populations and corresponding available open water and emergent freshwater marsh habitat located both upstream and downstream of the point of diversion. The baseline assessment shall be made by a qualified wildlife biologist, acceptable to DFG, and shall be conducted utilizing assessment techniques recognized as appropriate by DFG and USFWS.
- b. Creation of new or larger open water (pools and riffles) and emergent freshwater marsh habitat areas upstream of the point of diversion suitable for the turtle. The new habitat developed by the Permittee shall equal or exceed the expected or actual loss of habitat (no net loss provision) downstream of the point of diversion, and shall be permanently maintained by the Permittee.
- c. Relocation of turtles from habitat expected to be jeopardized by diversions under this permit to safer areas where suitable new habitat has been created.
- d. Development and implementation of an effective bullfrog control program, satisfactory to DFG, to permanently reduce populations of bullfrogs which prey on turtle hatchlings and eggs.
- e. Development of additional measures, as necessary, to ensure that the compensation plan will prevent net loss of turtles and their habitat. These measures may include increase in minimum flow bypass requirements under this permit, including bypass of additional treated waste water generated by the Hill Canyon Waste Water Treatment Plant (WWTP) if discharges from the Camarillo WWTP into Conejo Creek decrease in the future.
- f. Development of an annual monitoring and reporting program to document whether the compensation plan is achieving no net loss of turtles and their habitat, and listing additional measures to be implemented during the forthcoming year to attain full compliance with the no net loss provision. The monitoring program shall include a schedule for reevaluation of conditions evaluated in the baseline assessment listed in (a) above. The Permittee shall submit the results of the annual monitoring and reporting program to the Division of Water Rights with the Progress Report by Permittee and to DFG.
(0400500)

25. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the SWRCB for approval within one year from the date of this permit or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period. In evaluating the water conservation plan developed by permittee, the Board will consider the extent to which water use throughout permittee's place of use conforms to the 80 percent irrigation

efficiency standard applicable to lands within the Fox Canyon Groundwater Management Area and the extent to which the City and District's receiving water under this permit are complying with widely accepted standards for efficient water management practices. All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein. (0490500)

26. The "flow control and monitoring station" proposed in Application 29408 is not considered a part of the project authorized by this permit. (0000999)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

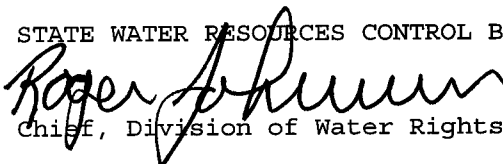
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **FEBRUARY 6 1998**

STATE WATER RESOURCES CONTROL BOARD

for 
Chief, Division of Water Rights